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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	MM Docket No. 99-331
)	
Amendment of Section 73.202(b))	RM-9848
Table of Allotments)	
FM Broadcast Stations)	
(Madisonville, and)	
College Station, Texas))	
To: Assistant Chief,		
Audio Division		
Media Bureau		

**REPLY TO OPPOSITION TO
REQUEST FOR WAIVER**

On June 23, 2004, a "Request For Waiver" of the Commission's new "backfill policy" was filed in this case by Garwood Broadcasting Company of Texas ("Garwood"). By pleading dated July 7, 2004, Sandlin Broadcasting Co, Inc ("Sandlin") filed an "Opposition" to the Garwood request for waiver. Garwood herewith submits its Reply to that Opposition.

A review of the Sandlin Opposition reveals that rather than directly addressing the elements of the waiver request, it instead restates arguments previously made by Sandlin in this proceeding, to which Garwood has previously responded. Moreover, Sandlin specifically declined to address the unique "warehousing" issue that exists in this case, ("Sandlin will not address the issue of warehousing raised by Garwood in its Request...", Sandlin Opposition at page 4), despite the fact that it is the

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basic special element raised by Garwood in this case and in its its waiver request.

The fact is that it should not be too surprising that Sandlin would not wish to "address the issue" since the facts are as they are: A Request in 1991 for use of the full Channel 273C1, with commitments to build; an application for rights to the channel with more commitments to build, with the FCC acceding in each case, relying upon the "commitment to build", and then...nothing more for over ten years...until Garwood filed its own Counterproposal specifying use of that channel.

The Construction permit granted by the FCC in May of 1993 was simply allowed by Sandlin to lapse with no explanation and no request for extension, and with the channel then subsequently kept unused by Sandlin and unusable by anyone else, kept out of the public domain by Sandlin for over ten years. But now, with Garwood seeking its use, Sandlin has a 'renewed interest' and suddenly now again wants to use the channel which it had left unused and useless for so long.

All of this is already a matter of record in substantial detail, the unavoidable FACTS defining the warehousing by Sandlin along with the arguments made by both Sandlin and by Garwood as to what this all means. In any event, it appears certain that If the Garwood request for waiver is not granted, it would appear to doom Garwood's request and further reward Sandlin with yet more use and dominion over the very channel it has already thoroughly

wasted since its request for that channel was first approved by the Commission in 1991.

In sum, Garwood submits that the relevant facts and arguments are already before the Commission in the record of this case and that nothing further needs to be added here.

Wherefore, it is submitted that the Sandlin Opposition is without merit and should be denied, and the Garwood request for waiver and pending Petition for Reconsideration granted.

Respectfully submitted,

GARWOOD BROADCASTING COMPANY OF TEXAS

by



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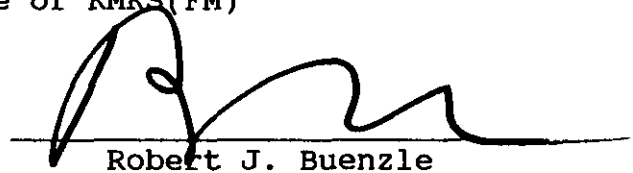
July 20, 2004

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Reply to Opposition to Request for Waiver have been served by United States mail, postage prepaid this 20TH day of July, 2004, upon the following:

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